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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,539	12/02/2005	Yuji Kawamori	OGW-0405	9137

7590 08/31/2007  
Patrick G. Burns - Greer, Burns & Crain, Ltd.  
300 South Wacker Drive, Suite 2500  
Chicago, IL 60606

EXAMINER
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PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

MAIL DATE	DELIVERY MODE
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08/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/559,539

Applicant(s)

KAWAMORI, YUJI

Examiner

Frederick J. Parker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12-2-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: claim 1, line 1, "pacer" is a typo. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 5 is vague and indefinite because the meaning of "drying agent" is unclear and undefined, and it is unstated what it is meant to dry.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biginato EP 1236559.

Biginato teaches a method of forming profiles (= spacers) on glazing of vehicle glass (rectangular in fig. 2, per claim 4) using an extrusion nozzle head mounted on a robotic drive means, and controlled by a program and /or processor. As shown in figure 1, the structural cage 12 mounts extrusion nozzle 4 and hollow shaft 6 via multiple joints (as shown), the robot driving the extrusion head along a desired path / line along peripheral edges 32,38 and around corners 36 of glass sheet 30, shown in fig. 2 a-c. As the robot approaches a corner, the nozzle is rotated and reoriented relative to drive means to apply "a continuous polymer profile 34...around the corner 36" [0042]. [0021 and 0042] teaches the path of the applied profile has substantially identical properties on both edges and corners. It is also taught in [0023] to achieve finer control over deposited material when rotation of the nozzle is advanced or delayed, per claim 3. Thus, the reference recognizes or at least reasonably suggests the need to change movement and rotation of the applicator at corners to maintain continuity of the extruded profile, and hence the slowing or stoppage of material from the applicator to maintain/ optimize the recited profile would have

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been an obvious modification within the purview of one of ordinary skill, per claim 1. It is further the Examiner's position that the skilled artisan would have recognized that simultaneous movement and rotation would have caused a swirl-like pattern or other discontinuity of the extrudate to form, and the motivation to provide a continuous polymer profile 34 would have been sufficient for the skilled artisan to optimize through routine experimentation the rotation and movement of the robot to maintain the desired profile.

The coating material is a thermoplastic polymer [0025] which is applied as an extruded profile ("layered state") to form a spacer with improved weather sealing properties [0043].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the method of Biginato by modifying the speed of the rotateable applicator head as a function of the location on a window substrate to provide an applied profile having substantially identical properties along both edges and corners.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biginato EP 1236559 in view of JP 10-110072 (abstract).

Biginato is cited for the same reasons previously discussed, which are incorporated herein. Adding a drying agent to the thermoplastic is not cited.

JP 10-110072 teaches a sealant used in sealing edges of a double glazing, comprising a thermoplastic composition and preferably the inclusion of a zeolite as a drying agent.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the method of Biginato by modifying the thermoplastic sealant composition by


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incorporating the zeolite of JP 10-110072 because it teaches the use of zeolite as a drying agent in thermoplastic compositions is known for the same sealant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Frederick J. Parker  
Primary Examiner  
Art Unit 1762

fjp